UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

   Don Richard Berthiaume, Jr.

2. **Position:** State the position for which you have been nominated.

   Inspector General, U.S. Department of Justice

3. **Address:** List current office address. If city and state of residence differ from your place of employment, please list the city and state where you currently reside.

   U.S. Department of Justice
   Office of the Inspector General
   950 Pennsylvania Avenue, NW
   Washington, DC 20530

   Residence: Arlington, Virginia

4. **Birthplace:** State date and place of birth.

   October 30, 1973; Poughkeepsie, New York

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

   SUNY University at Buffalo, School of Law – August 1997 to May 2000 (Juris Doctor)

   SUNY Buffalo State College – September 1994 to May 1996 (Bachelor of Arts – History)

   Dutchess Community College – September 1992 to May 1994 (Associate's Degree)

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for

your services. Include the name and address of the employer and job title or description.

October 2025 –Present
Senior Advisor/Acting Inspector General/Senior Advisor (Detail)
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

March 2023 – Present
Senior Counsel to the Inspector General
Office of the Inspector General
Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

July 2020 –March 2023
Section Chief, Office of Compliance
Drug Enforcement Administration
U.S. Department of Justice
600–700 Army-Navy Drive
Arlington, VA 22202

December 2018 – approximately September 2024
Coach
Tough Temple CrossFit
12143 Nebel Street
Rockville, MD 20852

January 2011 – May 2019
Catholic University, Columbus School of Law
Lecturer
3600 John McCormack Road, NE
Washington, DC 20064

August 2010 – July 2020
Investigative Counsel
Department of Justice, Office of the Inspector General
U.S. Department of Justice
150 M Street, NE
Washington, DC 20530

May 2008 – July 2010
Associate
Bracewell, LLP
2001 M Street NW
Washington, DC 20036

August 2006 – May 2008
Associate
Venable LLP
600 Massachusetts Avenue NW,
Washington, DC 20001

January 2005 – August 2006
Associate
Powell Goldstein LLP
Washington, DC

September 2000 –December 2004
Assistant District Attorney
New York County District Attorney's Office
1 Hogan Place
New York, NY 10013

1994 – 1997 (Estimated)
Electronic Sales Associate/Receiving Manager
OfficeMax (Now Office Depot)
1730 Walden Avenue
Cheektowaga, NY 14225

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

   I have not served in the military, and I registered with selective service at 18 years old.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

   I am listing, to the best of my recollection, the awards I have received. While I believe this represents all of them, I have not tracked awards over the years.

   HUD Office of the Inspector General, IG Component Award November 2024

   Council of the Inspectors General on Integrity and Efficiency Award for Excellence in Investigations, September 2020

   DOJ Office of the Inspector General Exceptional Service Team Award, May 2020

   DOJ Office of the Inspector General Distinguished Service Award, February 2018

DOJ Office of the Inspector General Honor Award, February 2015

Catholic University of America, Columbus School of Law, Outstanding Adjunct Professor for 2014-2015

DOJ Office of the Inspector General, Distinguished Service Award, April 2014

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

   I have not been a member of any bar associations or held any positions in such organizations.

10. **Bar and Court Admission:**

    a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

       New York State Bar – 2001; no lapses in membership

       District of Columbia Bar – 2005; no lapses in membership

    b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

       I am admitted to the NY State and DC bars. My memberships have never lapsed.

11. **Memberships:**

    a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

       Edward Bennet Williams Inn of Court
       Member, 2005-2006

    b. Indicate whether any of these organizations listed in response to 11(a) above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, the Edward Bennet Williams Inn of Court does not discriminate against anyone on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Where did my privilege go? Congress and its discretion to ignore the attorney client privilege, Criminal Law Bulletin, December 2011. Copy supplied.

Be wary when providing privileged documents, Managed Health Care Executive, April 2010. Copy supplied.

Just the Facts: Solving the Corporate Privilege Waiver Dilemma, Criminal Law Bulletin, January 2010. Copy supplied.

Commercial Bribery and the New International Norms, Bloomberg Law Reports: White Collar Crime, January 2009. (Reprinted in Bribery in Foreign Commerce, California Lawyer, June 2010.) Copy supplied.

Conflicts Between U.S. and U.K. Corporate Privilege Laws, *American Bar Association,* Criminal Litigation Newsletter, January 2009. Copies unavailable.

Broken Principle: Solving the Corporate Privilege Waiver Dilemma, New Jersey Law Journal, January 2009. Copy supplied.

FERC's Beefed-Up Enforcement Program, Law 360, May 28, 2008. Copy supplied.

Poorly Crafted Endorsement Contracts Leave Athletes Exposed, Street & Smith's Sports Business Journal, June 2007. Copies unavailable.

Point of Order: An Insider's Guide to Congressional Investigations, Washington Legal Foundation, January 2007. Copy supplied.

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member.

If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify any reports, memorandum, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I am including the following reports, which were created during my time at DOJ OIG.

- "A Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation." Copy supplied.
- "A Review of the Operations of the Voting Section of the Civil Rights Division." Copy supplied.
- "A Review of ATF's Investigation of Jean Baptiste Kingery." Copy supplied.
- "A Review of the U.S. Marshals Service's Use of Appropriated Funds to Purchase Promotional Items." Copy supplied.
- "A Review of the Management and Operations of an FBI Recreation Association." Copy supplied.
- "A Review of Improper Hiring Practices in the United States Marshals Service and Related Matters." Copy supplied.
- "A Review of the Pardon Attorney's Reconsideration of Clarence Aaron's Petition for Clemency." Copy supplied.
- "A Review of the FBI's Impersonation of a Journalist in a Criminal Investigation." Copy supplied.

c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have nothing to report.

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions.

Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. I have nothing to report.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify any newspapers, magazines or other publications, or radio or television stations, including through a review of my personal files and searches of public databases. I have nothing to report.

f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

I have not published any judicial opinions.

13. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Acting Inspector General, United States Department of Justice. October 30, 2025 to January 25, 2026. Designated by President Donald J. Trump.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None to report.

14. **<u>Legal Career:</u>** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have never served as a clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

September 2000 – December 2004
Assistant District Attorney
New York County District Attorney's Office
1 Hogan Place
New York, NY 10013

January 2005 – August 2006
Associate
Powell Goldstein LLP
Washington, DC

August 2006 – May 2008
Associate
Venable LLP
600 Massachusetts Ave NW,
Washington, DC 20001

May 2008 – July 2010
Associate attorney
Bracewell, LLP
2001 M St NW
Washington, DC 20036

August 2010 – July 2020
Investigative Counsel
Office of the Inspector General
U.S. Department of Justice
150 M Street, NE

Washington, DC 20530

July 2020 – March 2023
Section Chief
Office of Compliance
Drug Enforcement Administration
U.S. Department of Justice
600–700 Army-Navy Drive
Arlington, VA 22202

March 2023 – Present
Senior Counsel to the Inspector General
Office of the Inspector General
Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

October 2025 –Present
Senior Advisor/Acting Inspector General/Senior Advisor (Detail)
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator.

v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have never held any judicial office.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

From September 2000 to December 2004**,** my legal practice focused primarily on criminal prosecution. As an Assistant District Attorney in the Manhattan District Attorney's Office, I investigated and tried criminal cases, including financial crimes, and handled matters from early investigation through court proceedings and trial.

From January 2005 to July 2010**,** my practice shifted to the private sector, where I focused mainly on white-collar defense and internal investigations.

- **Powell Goldstein LLP (January 2005 to August 2006)**
- **Venable LLP (August 2006 to May 2008)**
- **Bracewell LLP (May 2008 to July 2010)**

In these roles, I represented organizations and individuals in complex criminal and civil enforcement matters involving government investigations, as well as conducting internal investigations.

From August 2010 to July 2020**,** my work shifted again when I joined the U.S. Department of Justice, Office of the Inspector General. There, I led sensitive investigations into alleged misconduct, fraud, waste, and abuse involving DOJ components. My work included planning investigations, reviewing evidence, interviewing witnesses, preparing referrals, and drafting reports supported by legal analysis.

From July 2020 to March 2023, I moved into compliance leadership within the Drug Enforcement Administration’s Office of Compliance where I held supervisory roles. I focused on strengthening policies and procedures, coordinating responses to oversight reviews, and advising senior leaders on compliance and accountability matters.

From March 2023 to September 2025, I returned to the Inspector General community in a senior role at the U.S. Department of Housing and Urban Development, Office of Inspector General. My work centered on advising on complex oversight operations and serving as the OIG Whistleblower Coordinator.

Since October 2025, I have worked at the Office of the Inspector General at the U.S. Department of Justice. First, I served as Acting Inspector General, and later as Senior Advisor to the Deputy Inspector General performing the functions of the Inspector General. My role has been executive in nature. As the Acting Inspector General, I oversaw and was the final decider on OIG investigations and broader oversight priorities, while ensuring the office carries out its mission with independence, integrity, and adherence to law. However, I currently serve as a Senior Advisor to the Deputy Inspector General. In that capacity, I offer my advice on decisions impacting the OIG, but the Deputy Inspector General has sole authority as the ultimate decision-maker on all matters. While we work closely, the Deputy is explicitly free to make determinations he deems appropriate, regardless of whether they aligned with the advice I provided.

ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As an Assistant District Attorney for the Manhattan District Attorney's Office, my client was the People of the State of New York, and my work included a wide array of criminal matters.

In private practice, my clients included individuals, not-for-profit corporations, and for-profit corporations. I represented individuals and corporations in many different types of legal matters, including, but not limited to allegations of public corruption, violations of the Arms Export Control Act, Foreign Corrupt Practices Act, and MARPOL Treaty, internal corporate investigations, and Congressional Investigations/inquiries.

At DOJ OIG, DEA, and HUD OIG I served the people of the United States and primarily focused on oversight matters involving government programs and operations.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I have not appeared in court as part of my legal practice since before 2010. My legal work since 2010 has focused solely on government oversight in the Department of Justice Office of the Inspector General, Drug Enforcement Administration, and Housing and Urban Development Office of the Inspector General.

i. Indicate the percentage of your practice in:

1. federal courts:	0
2. state courts of record:	0
3. other courts:	0
4. administrative agencies:	0

ii. Indicate the percentage of your practice in:

1. civil proceedings:	0
2. criminal proceedings:	0

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

i. What percentage of these trials were:
   1. jury: 0%
   2. non-jury: 0%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

   I have never appeared before the Supreme Court of the United States.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

   a. the date of representation;

   b. the name of the court and the name of the judge or judges before whom the case was litigated; and

   c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

From 2000 to 2005, I was an Assistant District Attorney with the NY County (Manhattan) District Attorney's Office, and I prosecuted hundreds of matters in NY Criminal Court. The matters I prosecuted included a wide array of misdemeanors and felonies. Due to the volume of cases handled as an Assistant District Attorney, I am unable to identify individual matters from memory.

In private practice, few of my matters ended in litigation. However, two matters that are in the public record include:

- United States v. Murphy – Mr. Murphy was accused of, and ultimately plead guilty to, making false statements to federal officials in violation of 18 U.S.C. § 1001.
    - February 14, 2006
    - U.S. District Court for Southern District of California
    - Judge Barry Ted Moskowitz
    - I was the sole counsel on this matter.

- United States v. Michael P. Murphy Surplus Materials – Mr. Murphy's corporation plead guilty to one count of violating the Arms Export Control Act.

- February 14, 2006
- U.S. District Court for Southern District of California
- Judge Barry Ted Moskowitz
- I was the sole counsel on this matter

16. **Legal Activities:** Describe the most significant legal activities you have pursued including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

    The most significant legal activities I have pursued include the following oversight reports:

    - "A Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation" – December 2019
    - "A Review of the Operations of the Voting Section of the Civil Rights Division" – March 2013
    - "A Review of ATF's Investigation of Jean Baptiste Kingery" – October 2014
    - "A Review of the U.S. Marshals Service's Use of Appropriated Funds to Purchase Promotional Items" November 2013
    - "A Review of the Management and Operations of an FBI Recreation Association" – May 2016
    - "A Review of Improper Hiring Practices in the United States Marshals Service and Related Matters" – September 2018
    - "A Review of the Pardon Attorney's Reconsideration of Clarence Aaron's Petition for Clemency." – December 2012
    - "A Review of the FBI's Impersonation of a Journalist in a Criminal Investigation" – September 2016

    A copy of each report is included in my response to Question 12.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus for each course, provide four (4) copies to the committee.

I taught *White Collar and Business Crime at Catholic University*, Columbus School of Law from 2011 to 2019. The course covered the investigation of and criminal statutes associated with white collar criminal prosecutions. I've provided a copy of the syllabus from 2016 for reference.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

    I have no arrangements in the future to be compensated for any financial or business interest.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

    I have no plans, commitments or agreements to pursue outside employment.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

    Please see my OGE-278 as provided by the Office of Government Ethics.

21. **Statement of Net Worth:**

    Please complete the attached financial net worth statement in detail (add schedules as called for).

    See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

    a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I have personal friends who work for the components for which the Department of Justice, Office of the Inspector General has oversight authority. In the event one of those individuals became a target or subject of an OIG investigation, I would immediately recuse myself. Consequently, prior to and during the nomination process, I consulted with the Department of Justice, Office of the Inspector General's General Counsel and identified those potential conflicts. If I am conflicted, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In the event one of those individuals became a target or subject of an OIG investigation, I would immediately recuse myself. With that in mind, prior to and during the nomination process, I consulted with the Department of Justice, Office of the Inspector General's General Counsel and identified those potential conflicts. If I am conflicted, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Given my full-time responsibilities as a government attorney, I have not engaged in formal pro bono representations. However, consistent with DC and NY Bar guidance, I annually contribute to the DC Bar pro bono fund.